

When recorded, return to:  
Arizona Department of Real Estate  
2910 North 44th Street, Suite 110  
Phoenix, AZ 85018  
Telephone: (602)468-1414  
Facsimile: (602)468-0562

**BEFORE THE ARIZONA DEPARTMENT OF REAL ESTATE**

In the matter of the Subdivision violations of: )  
)  
Phillip Stonich, Young Guns Realty, Inc. dba The )  
Roadside Realtor, Rufus Verse, Ryan Wampler, Stacia )  
Wampler, Carmen Humphrey, Lee McNary, Centurion )  
Investments dba C21-Northwest Realty, Tom Holder, )  
Kathy Holder, Louis R. Romaniuk, Marni A. Romaniuk, )  
Kevin G. Norby LLC, Kevin G. Norby, Bill Schwoerer, )  
Jimmy Manning, AJF Custom Homes, Alan Fernandez, )  
Megan Fernandez, Aloha Revocable Trust, D & M Land )  
Development, Darla Pfizenmaier, Ron Coleman, Arizona )  
Land Advisors, LLC, Michael Danzer, C. Roy Jackson, )  
William Weimann, Williams Consulting, George Loeber )  
Living Trust, Terry Stines, Terry Abbott, Joseph Danzer, )  
Troy Langdon, Banner Development, Rio Ranches LLC, )  
DSE Land Development, HT Realty, Michael Zerbib, Carr )  
Huml Investments, David Javier, Monica Morrow, Teal )  
Henkel, Greer Ranch Parcel 5 LLC, BH Partners, Keith )  
Pendergraft, Herbert Tragethon, Realty Executives. )  
Cowboy Investments, John Foltz, VJ Properties, Jeffrey )  
Lanes, Paul Kelley, Rebecca Kelley, Sandy Tinkham, )  
Alan Bias, Debra Bias, San Salvador Management, Garry )  
Jestadt, Mary Langdon, Kat Javier, Michael Pollock, Eric )  
Greis, Kevin Christianson, Nathan Ducharme, Kenneth )  
Western, Lori Western, Sean Flanagan, Michelle )  
Flanagan, Cindy Buck, Walter Harvey, Sunlore Homes )  
Inc., Roxanne Johnson Living Trust, Rodney Stock, )  
Robin Stock, Robert Schwoerer, Jon Schwoerer, Gale )  
Barbara Hart, JD Smith, George McDonald, Lindsey )  
McDonald, Jere Shutt, Kimberly Shutt, Rick McLaughlin, )  
Mary McLaughlin, Eric Spencer, Mark Vestrand, and )  
Christine Tilton, )  
)  
Respondents. )

**NO. 05F-SD-242-REL**

**CEASE & DESIST ORDER  
AND  
NOTICE OF RIGHT  
TO REQUEST HEARING**

**DIRECTED TO:**

**Respondent #1**

Phillip Stonich (BR518091000)  
Young Guns Realty  
Dbas The Roadside Realtor  
15320 E. Skinner  
Scottsdale, AZ 85262  
Original Issue Date: 10/22/02  
Effective Date: 10/27/03  
Expiration Date: 10/31/04  
License Status: Active

**Respondent #2**

Young Guns Realty, Inc.  
Dbas The Roadside Realtor  
(CO54373000)  
15320 E. Skinner  
Scottsdale, AZ 85262  
Original Issue Date: 10/21/03  
Effective Date: 10/27/03  
Expiration Date: 10/31/04  
License Status: Active

**Respondent #3**

Rufus Verse  
P.O. Box 55477  
Phoenix, AZ 85078

**Respondent #4**

Ryan Wampler  
27903 N. 155<sup>th</sup> Street  
Scottsdale, AZ 85255

**Respondent #5**

Stacia Wampler  
27903 N. 155<sup>th</sup> Street  
Scottsdale, AZ 85255

**Respondent #6**

Carmen Humphrey  
(SA542296000)  
Centurion Investments  
Dbas Century 21-Northwest  
Realty  
6630 W. Cactus, Suite B-113  
Glendale, AZ 85304  
Original Issue Date: 6/24/03  
Effective Date: 6/24/03  
Expiration Date: 6/30/05  
License Status: Active

**Respondent #7**

Lee McNary (BR100053000)  
Centurion Investments  
Dbas C21-Northwest Realty  
6630 W. Cactus, Suite B-113  
Glendale, AZ 85304  
Original Issue Date: 7/17/1996  
Effective Date: 8/1/04  
Expiration Date: 7/31/06  
License Status: Active

**Respondent #8**

Centurion Investments  
Dbas C21-Northwest Realty  
(CO115648000)  
6630 W. Cactus, Suite B-113  
Glendale, AZ 85304  
Original Issue Date: 7/17/1996  
Effective Date: 8/1/04  
Expiration Date: 7/31/06  
License Status: Active

**Respondent #9**

Tom Holder  
29426 N. 60<sup>th</sup> Street  
Cave Creek, AZ 85331

**Respondent #10**

Kathy Holder  
29426 N. 60<sup>th</sup> Street  
Cave Creek, AZ 85331

**Respondent #11**

Louis R. Romaniuk  
2640 E. Arabian Drive  
Gilbert, AZ 85296

**Respondent #12**

Marni A. Romaniuk  
2640 E. Arabian Drive  
Gilbert, AZ 85296

**Respondent #13**

Kevin G. Norby LLC  
Kevin G. Norby  
6452 City West Parkway  
Eden Prairie, MN 55344

**Respondent #14**

Bill Schwoerer  
22638 N. 54<sup>th</sup> Place  
Phoenix, AZ 85054

**Respondent #15**

Jimmy Manning  
7900 E. Princess Drive, #1018  
Scottsdale, AZ 85255

**Respondent #16**

AJF Custom Homes  
C/o Mathis Becker, Agent  
9849 W. Thunderbird, Ste. A  
Sun City AZ 85351

**Respondent #17**

Alan Fernandez  
P.O. Box 27705  
Scottsdale, AZ 85255

**Respondent #18**

Megan Fernandez  
(SA52242900)  
34462 North Scottsdale Road,  
B-4  
Scottsdale, AZ 85262  
Original Issue Date: 5/30/00  
Effective Date: 6/1/04  
Expiration Date: 5/31/06  
License Status: Active

**Respondent #19**

Aloha Revocable Trust  
P.O. Box 27705  
Scottsdale, AZ 85255

**Respondent #20**

D & M Land Development  
36314 N. 31<sup>st</sup> Ave.  
Peoria, AZ 85086

<b>Respondent #21</b> Darla Pfizenmaier (SA515834000) 20359 N.59 <sup>th</sup> Ave, Suite 100 Glendale, AZ 85308 Original Issue Date: 4/8/99 Effective Date: 11/17/03 Expiration Date: 4/30/05 License Status: Active	<b>Respondent #22</b> Ron Coleman (BR031564000) 6710 North Scottsdale Road #200 Scottsdale, AZ 85253 Original Issue Date: 7/18/97 Effective Date: 8/1/03 Expiration Date: 7/31/05 License Status: Active	<b>Respondent #23</b> Arizona Land Advisors, LLC (LC519763000) 6710 North Scottsdale Road #200 Scottsdale, AZ 85253 Original Issue Date: 11/2/99 Effective Date: 7/21/04 Expiration Date: 11/30/05 License Status: Active	<b>Respondent #24</b> Michael Danzer 5124 E. Paradise Lane Scottsdale, AZ 85255
<b>Respondent #25</b> C. Roy Jackson 856 Bisque Barrington, IL 60010	<b>Respondent #26</b> William Weimann 5622 36 <sup>th</sup> Street Fargo, ND 85104	<b>Respondent #27</b> Williams Consulting 5622 36 <sup>th</sup> Street Fargo, ND 85104	<b>Respondent #28</b> George Loeber Living Trust 7101 N. Lincoln Ave. Lincolnwood, IL 60712
<b>Respondent #29</b> Terry Stines (SA104409000) 328 W. Rancho Drive Phoenix, AZ 85013 Original Issue Date: 4/14/94 Effective Date: 4/14/94 Expiration Date: 4/30/96 License Status: Terminated	<b>Respondent #30</b> Terry Abbott 428 E. Thunderbird #336 Phoenix, AZ 85022	<b>Respondent #31</b> Joseph Danzer 4813 Glenwood Hills NE Albuquerque, NM, 78111	<b>Respondent #32</b> Troy Langdon 2201 W. Keller Court Anthem, AZ 85086
<b>Respondent #33</b> Banner Development 328 W. Rancho Drive Phoenix, AZ 85013	<b>Respondent #34</b> Rio Ranches LLC C/o Jason Hardison 11605 S. Bruner Rd. Palo Verde, AZ 85343	<b>Respondent #35</b> DSE Land Development 1990 N. Alma School Road #185 Chandler, AZ 85224	<b>Respondent #36</b> HT Realty 614 Streeter Ave. Muncie, IN 47303
<b>Respondent #37</b> Michael Zerbib (SA090642000) 3443 N. Central Ave. #1800 Phoenix, AZ 85012 Original Issue Date: 11/18/85 Effective Date: 11/30/89 Expiration Date: 5/1/93 License Status: Terminated	<b>Respondent #38</b> Carr Huml Investments 1616 E. Indian School Road #360 Phoenix, 85016	<b>Respondent #39</b> David Javier 8414 W. Troy Street Peoria, AZ 85382	<b>Respondent #40</b> Monica Morrow (SA020367000) 6630 W. Cactus, Suite B-113 Glendale, AZ 85304 Original Issue Date: 6/15/81 Effective Date: 8/16/04 Expiration Date: 9/30/05 License Status: Active
<b>Respondent #41</b> Teal Henkel (SA106678000) 8711 E. Pinnacle Peak Road #368 Scottsdale, AZ 85255 Original Issue Date: 9/27/94 Effective Date: 10/1/94 Expiration Date: 9/30/06 License Status: Active	<b>Respondent #42</b> Greer Ranch Parcel 5 LLC 10 West Minnezona Ave. #1105 Phoenix, AZ 85013	<b>Respondent #43</b> BH Partners 4614 E. Ocotillo road Paradise Valley, AZ 85253	<b>Respondent #44</b> Keith Pendergraft (SA031142000) 23200 N. Pima Road. Suite 200 Scottsdale, AZ 85255 Original Issue Date: 8/18/87 Effective Date: 8/29/03 Expiration Date: 8/31/05 License Status: Active

<b>Respondent #45</b> Herbert Tragethon (BR018225000) 8711 E. Pinnacle Peak Road #368 Scottsdale, AZ 85255 Original Issue Date: 11/15/99 Effective Date: 12/1/03 Expiration Date: 11/30/05 License Status: Active	<b>Respondent #46</b> Realty Executives (CO000179000) 4427 N. 36 <sup>th</sup> Street Suite 200 Phoenix, AZ 85018 Original Issue Date: 9/1/89 Effective Date: 12/1/04 Expiration Date: 11/30/06 License Status: Active	<b>Respondent #47</b> Cowboy Investments (CO11568000) 8711 E. Pinnacle Peak Road #368 Scottsdale, AZ 85255 Original Issue Date: 9/24/02 Effective Date: 10/1/04 Expiration Date: 9/30/06 License Status: Active	<b>Respondent #48</b> John Foltz (BR008090000) 4427 N. 36 <sup>th</sup> Street Suite 200 Phoenix, AZ 85018 Original Issue Date: 9/1/89 Effective Date: 12/1/04 Expiration Date: 11/30/06 License Status: Active
<b>Respondent #49</b> VJ Properties (CO511307000) 4300 N. Miller Road # 153 Scottsdale, AZ 85251 Original Issue Date: 6/18/98 Effective Date: 7/1/04 Expiration Date: 6/30/06 License Status: Active	<b>Respondent #50</b> Jeffrey Lanes (BR505055000) 4300 N. Miller Road # 153 Scottsdale, AZ 85251 Original Issue Date: 4/25/97 Effective Date: 5/7/03 Expiration Date: 4/30/05 License Status: Active	<b>Respondent #51</b> Paul Kelley 5967 Waterfowl Road Schnecksville, PA 18078	<b>Respondent #52</b> Rebecca Kelley 5967 Waterfowl Road Schnecksville, PA 18078
<b>Respondent #53</b> Sandy Tinkham 5967 Waterfowl Road Schnecksville, PA 18078	<b>Respondent #54</b> Alan Bias 11509 North 77 <sup>th</sup> Drive Peoria, AZ 85345	<b>Respondent #55</b> Debra Bias 11509 North 77 <sup>th</sup> Drive Peoria, AZ 85345	<b>Respondent #56</b> Mary Langdon 2201 W. Keller Court Anthem, AZ 85086
<b>Respondent #57</b> San Salvador Management (LC527410000) 9594 E. San Salvador Scottsdale AZ 85258 Original Issue Date: 5/31/01 Effective Date: 6/1/05 Expiration Date: 5/31/07 License Status: Active	<b>Respondent #58</b> Garry Jestadt (BR004982000) 9594 E. San Salvador Scottsdale AZ 85258 Original Issue Date: 4/29/81 Effective Date: 5/1/05 Expiration Date: 4/30/07 License Status: Active	<b>Respondent #59</b> Erick Greis PO Box 1233 Palm Harbor FL 34682	<b>Respondent #60</b> Kevin Christianson 4620 Amber Valley Pkwy. Fargo ND 58104
<b>Respondent #61</b> Nathan Ducharme 40802 N. Laurel Valley Way Anthem AZ 85026	<b>Respondent #62</b> Kenneth Western 1175 Meridian Circle Santa Rosa CA 95401	<b>Respondent #63</b> Lori Western 1175 Meridian Circle Santa Rosa CA 95401	<b>Respondent #64</b> Sean Flanagan 36320 N. 29 <sup>th</sup> Ave. Phoenix AZ 85056
<b>Respondent #65</b> Michelle Flanagan(SA545692000) Sterling Fine Homes & Land 3134 W. Carefree Hwy. Ste. 11 Phoenix AZ 85086 Original Issue Date: 11/6/2003 Effective Date: 8/26/2004 Expiration Date: 11/30/2005 License Status: Active	<b>Respondent #66</b> Cindy Buck 5759 W. Onyx Ave. Glendale AZ 85086	<b>Respondent #67</b> Walter Harvey 5759 W. Onyx Ave. Glendale AZ 85086	<b>Respondent #68</b> Sunlore Homes C/o Lori Pruet, Agent 45706 N. 15 <sup>th</sup> Pl. New River AZ 85087

**Respondent #69**  
Roxanne Johnson Living Trust  
32524 N. 144<sup>th</sup> St.  
Scottsdale AZ 85262

**Respondent #70**  
Rodney Stock  
3454 E. Libby St.  
Phoenix AZ 85032

**Respondent #71**  
Robin Stock  
3454 E. Libby St.  
Phoenix AZ 85032

**Respondent #72**  
Robert Schwoerer  
22638 N. 54<sup>th</sup> Pl.  
Phoenix AZ 85054

**Respondent #73**  
Jon Schwoerer  
22638 N. 54<sup>th</sup> Pl.  
Phoenix AZ 85054

**Respondent #74**  
Gale Barbara Hart  
22638 N. 54<sup>th</sup> Pl.  
Phoenix AZ 85054

**Respondent #75**  
JD Smith  
10 West Minnezona Ave. #1105  
Phoenix, AZ 85013

**Respondent #76**  
George McDonald  
2831 W. New River Rd.  
New River AZ 85087

**Respondent #77**  
Lindsey McDonald  
2831 W. New River Rd.  
New River AZ 85087

**Respondent #78**  
Jere Shutt  
4141 N. Charter Oak Rd.  
Phoenix A Z85029

**Respondent #79**  
Kimberly Shutt  
4141 N. Charter Oak Rd.  
Phoenix A Z85029

**Respondent #80**  
Rick McLaughlin  
32006 N. 68<sup>th</sup> St.  
Cave Creek AZ 85331

**Respondent #81**  
Mary McLaughlin  
32006 N. 68<sup>th</sup> St.  
Cave Creek AZ 85331

**Respondent #82**  
Eric Spencer  
13031 N. 34<sup>th</sup> Dr.  
Phoenix AZ 85029

**Respondent #83**  
Mark Vestrand  
28823 N. 57<sup>th</sup> St.  
Cave Creek AZ 85331

**Respondent #84**  
Christine Tilton(SA514266000)  
Mladick Realty LLC  
8900 E. Pinnacle Peak Rd. #D4  
Scottsdale AZ 85255  
Original Issue Date:1/28/99  
Effective Date:2/1/2005  
Expiration Date: 1/31/2007  
License Status: Active

**Respondent#85**  
Michael Pollock  
36314 N. 31<sup>st</sup> Ave.  
Peoria, AZ 85086

**Respondent#86**  
Kat Javier  
8414 W. Troy Street  
Peoria, AZ 85382

## FACTS

After investigation and review, the Arizona Department of Real Estate ("Department"), upon information and belief, alleges that:

1. The above-named Respondents own or did own real property or participated in or assisted in the sale of real property, described as:

Portions of Section 9, 10, 15 and 16, Township 6 North, Range 3 East, Gila and Salt River Base and Meridian ("G&SRB&M"), further identified as Greer Ranch according to Book 580 of Maps page 24 of the Maricopa County Recorder's Office, located in Maricopa County, Arizona (hereinafter "Greer Ranch", "the Property," or "the Subdivision").

2. That Respondents have divided or proposed to divide the Property into six or more lots and, by their actions, have created a Subdivision within the meaning of A.R.S. § 32-2101(54).

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2 3. That Respondents, through divisions and conveyances between and among themselves and various  
3 corporations, limited liability companies or other entities, assisted in the offering for sale or sale, evaded or are  
4 attempting to evade compliance with the Arizona real estate subdivision statutes in violation of A.R.S. § 32-2181, *et*  
5 *seq.*, and have taken actions that are contrary to the public health, safety and welfare.

6 4. That Respondents have made misrepresentations to purchasers and prospective purchasers, or  
7 failed to disclose material information or defects in the Property.

8 5. Respondents have failed to demonstrate: (A) the availability of an assured water supply on the  
9 Property, (B) the suitability of the Property for installation of an individual sewage disposal systems (septic tank and  
10 leach field), (C) legal and permanent access to the Property, (D) the availability and cost of utilities to the Property,  
11 and (E) compliance with municipal, county, and state requirements for a lawful subdivision and for issuance of a  
12 subdivision public report, all in violation of A.R.S. § 32-2181, *et seq.*

13 6. Sales and offers for sale of the Property by Respondents are not exempt from the subdivision public  
14 report requirements.

15 7. The Department alleges that Respondents, in addition to the above actions, have acted in a manner  
16 to defraud the public by selling and continuing to offer for sale land, after being notified by the Department that  
17 Greer Ranch was a subdivision, the subdivision did not comply with the subdivision laws and rules of the state and  
18 county, and did not inform buyers of potential ramifications, including the county's ceasing to issue building permits  
19 for the Subdivision due to a pending administrative action.

20 Parcel 8

21 8. Ryan and Stacia Wampler ("Wampers") purchased Parcel 8 of Greer Ranch from RTD Holdings,  
22 consisting of two approximately 20 acre non-contiguous parcels totaling approximately 40 acres, on July 4, 2002.  
23 Herbert Tragethon ("Tragethon"), then licensed with Cowboy Land, of which he is president and statutory agent,  
24 was the listing agent and Phillip Stonich ("Stonich"), then licensed with Cowboy Properties of which Tragethon's  
25 wife is the president and statutory agent, was the selling agent.

26 9. Pursuant to the purchase contract and escrow documents, Wampler and Stonich entered into a well  
27 agreement for the ten acre parcel, proposing that the well be divided into seven shares. Wampler then divided the  
28 parcel into five lots pursuant to the purchase contract, which states, "Seller is aware the buyer will be marketing a

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2 portion of the property for immediate sale." The Wamplers sold the approximately ten acres lot of Parcel 8 to  
3 Stonich on November 17, 2003 .

4 10. Stonich sold approximately five acres of his original ten acres to Rufus Verse ("Verse") on the same  
5 day, November 17, 2003. Verse then split the parcel into three lots on December 15, 2003.

6 11. The Wamplers sold ten acres to Kevin Norby LLC, a Minnesota limited liability company ("Norby") on  
7 March 29, 2004.

8 12. Norby sold three and one-third acres to Bill Schwoerer ("Schwoerer"), who subsequently divided the  
9 property into three lots.

10 13. Norby sold approximately five and one-third acres to Troy and Jennifer Langdon ("Langdons").  
11 Humphrey was the sales agent for the transaction. Langdon subsequently divided the parcel into five lots and has  
12 sold at least four of those lots since that time. One lot was sold to Eric Spencer, one to Mary Langdon, one to  
13 Christine Tilton and one to Mark Vestrand.

14 14. The Wamplers sold two five acre parcels to Tom Holder ("Holder"). Holder then divided his parcels  
15 into three lots.

16 15. The Wamplers sold approximately ten acres to Louis and Marni Romaniuk ("Romaniuks") on  
17 December 12, 2003. The sales agent for the transaction was Humphrey. The Romaniuks divided their parcel into  
18 two lots and sold five acres back to the Wamplers. Romaniuk divided his remaining five acres into four parcels and  
19 on June 25, 2004, sold two parcels each to two different buyers, Nathan and Rhonda Ducharme and Kenneth and  
20 Lori Western. Humphrey was the agent for these transactions.

21 Parcel 9

22 16. Roxanne Johnson Living Trust purchased Parcel 9 on May 21, 2002 from RTD Holdings, consisting  
23 of two separate lots totaling approximately 40 acres. The agents involved in the transaction were Tragethon and  
24 Teal Henkel of Cowboy Investments.

25 17. Roxanne Johnson Living Trust sold ten acres to H&T Realty on October 15, 2002. HT Realty in turn  
26 sold ten acres to Banner Development, a company owned by Terry Stines ("Stines") on February 10, 2004.  
27 Tragethon was the agent for this transaction.

28 18. Banner Development sold five acres to Rio Ranches on February 10, 2004.

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2 19. Rio Ranches contracted to sell one and one-tenth acres to Mustang Builders on or about June 20,  
3 2004. Humphrey, C21Northwest was the agent for the transaction. This transaction was cancelled and the land  
4 was instead sold to Cindy Buck and Walter Harvey on July 27, 2004 with Humphrey, C21 Northwest and Monica  
5 Morrow of VJ Properties, Jeffrey Lanes, designated broker, as agents.

6 20. On July 8, 2004 Banner Development sold one and two-tenths acres parcel to Cindy Buck and  
7 Walter Harvey, with Humphrey, C21 Northwest and Monica Morrow of VJ Properties as the agents involved in the  
8 transaction. Banner also sold one and one-tenth acres to Sean and Michelle Flanagan on this date , again with  
9 Humphrey, C21 Northwest and Michelle Flanagan as agents. Finally, Banner Development sold approximately  
10 one and one-tenth acres to Monica Morrow on this date.

11 21. Rio Ranches, Jason Hardison, managing member, sold two and two-tenths acres to Mustang  
12 Builders. Humphrey, C21 Northwest was the agent involved in this transaction. This transaction was cancelled and  
13 Rio Ranches sold two one and one-tenth acre parcels to Rodney and Robin Stock on September 27, 2004.

14 22. Roxanne Johnson Living Trust sold a 15 acre parcel to D&M Land Development, Michael Pollock,  
15 President on September 30, 2003. Tragethon was the agent for this transaction. That same day, D&M Land  
16 Development sold five acres to AJF Custom Homes, Alan Fernandez, manager.

17 23. AJF Custom Homes sold two one acre parcels, one to Sean and Michelle Flanagan on February 19,  
18 2004 and one to Jere and Kimberly Shutt on April 20, 2004.

19 24. D&M Land Development sold five acres to Michael Zerbib ("Zerbib") on September 30, 2003.  
20 Zerbib, in turn, sold two one acre parcels to David and Kat Javier on March 12, 2004.

21 25. D&M Land Development sold a five acre parcel to Carr Huml Investors on September 30, 2003.  
22 Carr Huml Investors in turn sold two one and one-tenth acres parcels to Sunlore Homes on March 30, 2004.

23 26. Zerbib sold two one acre parcels to George McDonald and Skip Lindsey on March 23, 2004.

24 27. Roxanne Johnson Living Trust sold ten acres to Sandy Tinkham on October 7, 2003. Tragethon  
25 was the agent. Sandy Tinkham then sold a two and one-half acres parcel to Rick and Mary McLaughlin.

26 Parcel 5

27 28. Greer Ranch Parcel 5 LLC purchased the 40 acres comprising Parcel 5 on September 17, 2002 from  
28 RTD Holdings. Tragethon, Cowboy Investments and Ron Coleman ("Coleman") of Arizona Land Advisors were the



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2 agents involved in the transaction. The purchase contract included legal descriptions for the parcel to be divided  
3 into four parcels.

4 29. D&M Land Development contracted with Greer Ranch Parcel 5 LLC to purchase 15 acres. The sale  
5 was cancelled while in escrow, with instruction from D&M Land Development to the title company to change the  
6 buyer to Jimmy Manning ("Manning") and Michael and Jean Danzer ("Danzers"). A sale of approximately 10 acres  
7 was made to Manning on October 21, 2003, with Coleman as agent. That same day, Manning sold approximately  
8 five acres to AJF Custom Homes. Manning sold approximately five acres to Aloha Revocable Trust, of which Alan  
9 Fernandez and his wife, Megan Fernandez are trustees. Again on October 21, 2003, Aloha Revocable Trust sold  
10 five acres to BH Partners.

11 30. The Danzers purchased approximately 5 acres from Greer Ranch Parcel 5 LLC on or about  
12 December 21, 2003 with Coleman as agent. The Danzers sold their five acres to Eric Greis on or about April 29,  
13 2004.

14 31. AJF Custom Homes sold five acres to Bill Schwoerer and supplied Schwoerer with a survey  
15 commissioned by AJF Custom Homes showing the five acre parcel into five one acre parcels. Humphrey of C21  
16 Northwest was the agent involved in the transaction. Bill Schwoerer subsequently divided his parcel into five lots,  
17 sold three to others and retained two lots. The three lots Bill Schwoerer sold were purchased by Robert Schwoerer,  
18 Jon Schwoerer, and Gale Barbara Hart.

19 32. BH Partners sold five one acre parcels to Alan and Debra Bias on May 18, 2004. Humphrey was the  
20 agent for this transaction.

21 Parcel 6

22 33. C. Roy and Jacqueline Jackson ("Jacksons") purchased Parcel 6 of Greer Ranch on May 15, 2002  
23 from RTD Holdings. Tragethon and Pendergraft of Realty Executives, John Foltz, designated broker, were the  
24 agents involved in the transaction. Coleman received a referral fee from the transaction.

25 34. The Jacksons sold ten acres to Williams Consulting on November 24, 2003, with Tragethon as  
26 agent.

27 35. The Jacksons sold ten acres to the Danzers on October 20, 2003, with Tragethon as agent. This  
28 property was previously contracted for purchase by D&M Land Development who instructed the title agency to

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2 change the buyer to Danzer.

3 36. Williams Consulting sold its ten acres to Kevin Christianson , with no agents involved in the  
4 transaction.

5 37. Danzer sold five acres to Paul and Rebecca Kelley ("Kelleys") and retained five acres . The Kelleys  
6 split the parcel into two lots.

7 Parcel 7

8 38. The George Loeber Living Trust purchased Parcel 7 of Greer Ranch on May 25, 2002 from RTD  
9 Holdings . Tragethon was the agent involved in the transaction.

10 39. The George Loeber Living Trust sold 20 acres to D&M Land Development on October 2, 2003, again  
11 with Tragethon as the agent. That same day, D&M Land Development sold 20 acres to DSE Land Development,  
12 with Tragethon as agent. DSE Land Development sold five acres to Terry and Carol Stines ("Stines") and Terry  
13 and Denise Abbott ("Abbotts") that same day, and another five acres to the Danzers .

14 40. The Stines transferred their interest in the five acres to Terry and Denise Abbott on July 8, 2004. At  
15 that time the property had been divided into five parcels.

16 Parcel 4

17 41. Stonich entered into a purchase contract to purchase Parcel 4 of Greer Ranch from RTD Holdings  
18 on or about November 4, 2003. While in escrow, Stonich indicated that he planned to split Parcel 4 into five smaller  
19 parcels pursuant to the purchase contract provisions. The contract included five lot releases; for each minimum  
20 payment agreed to by the parties, a specified acreage would be released from the lien. Stonich submitted a plan  
21 for dividing the property into approximately 21 parcels through a series of sales; however, Stonich eventually  
22 cancelled the sale prior to close of escrow. Prior to this he had listed five parcels within Parcel 4 for sale.

23 General

24 42. Tinkham of Security Title Agency handled the majority of the escrows for the sales in Greer Ranch,  
25 and also purchased, divided and sold property in Greer Ranch.

26 43. Darla Pfizenmaier has held Power of Attorney for Terry and Carol Stines in the past for real estate  
27 transactions.

28 44. Wampler, D&M Land Development, Holder, Danzer, Weimann Consulting, Stones, Terry Abbott,

.....  
DSE Development, Carr Huml Investments, AJF Custom Homes and Zerbib have in the past, together and individually, purchased property between themselves, divided the property into more than six lots and sold lots without complying with subdivision laws.

45. Stonich created seven lots in Parcel 8 and planned to create approximately 24 lots in Parcel 4.

46. AJF Custom Homes and Aloha Revocable Trust created a total of 15 lots in Parcels 9 and 5.

47. Banner Development, Terry Stines and Terry Abbott created a total of 9 lots in Parcels 8 and 7. Bill Schwoerer created a total of eight lots in Parcels 5 and 8.

48. Wampler created eight lots in Parcel 8.

49. Danzer created six lots in Parcels 8 and 6.

50. D&M Land Development created seven lots in Parcels 9 and 7.

51. On January 28, 2004, the unsubdivided land public report for Greer Ranch was suspended and a hearing conducted at the Office of Administrative Hearing on June 2, 2004. James Loftis of Consulting Land Surveyors testified that in preparation for the survey of Greer Ranch, Tragethon was his contact for the RTD Holdings, which obtained the unsubdivided land public report from the Department and that he received directions from Tragethon regarding how to configure parcels for the survey.

52. On July 14, 2004, the Commissioner issued her Final Order in the matter regarding RTD Holding's public report for Greer Ranch and revoked the unsubdivided land public report. This was based on a specific finding by the Administrative Law Judge in that case that Greer Ranch was a subdivision under Title 32, Chapter 20, Article 4.

53. Based on this Final Order, Maricopa County suspended issuance of building permits for land located within Greer Ranch on the basis that the property does not comply with county subdivision requirements.

#### **VIOLATIONS**

54. Respondents failed to notify the Commissioner in writing of their intention to sell or offer for sale or lease subdivided lands, in violation of A.R.S. 32-2181(A).

55. Respondents acted in concert to attempt to avoid the provisions of Title 32, Chapter 20, Article 4, in violation of A.R.S. § 32-2181(D).

56. Respondents sold or offered for sale or lease lots, parcels or fractional interests in a subdivision

1 . . . . .  
2 without first obtaining a subdivided land public report from the Commissioner, in violation of A.R.S. 32-2183(F).

3 57. Respondents have violated the provisions of A.R.S. §§32-2181(A), (D), and 32-2183(F).

4 58. Pursuant to A.R.S. § 32-2154, if it appears to the Commissioner that any person has engaged, is  
5 engaging or is preparing to engage in any act, practice or transaction that constitutes a violation of Title 32, Chapter  
6 20, the Commissioner may issue an order directing any person to cease and desist from engaging in the act,  
7 practice or transaction or doing any act in furtherance of the act, practice or transaction, to make restitution or to  
8 take appropriate affirmative action to correct the conditions resulting from the act, practice or transaction.

9 **CEASE AND DESIST**

10 NOW, THEREFORE, IT IS ORDERED, pursuant to A.R.S. §§ 32-2154, 32-2181(A), (D), and 32-2183(F),  
11 that Respondents immediately cease and desist from selling or offering, advertising, facilitating, counseling,  
12 advising, directing, negotiating, assisting, or attempting to sell lots in the Subdivision without first complying with  
13 applicable laws and rules.

14 IT IS FURTHER ORDERED that Respondents immediately provide notice to persons to whom they have  
15 sold lots in the Subdivision of their right to rescind, or cancel, the purchase, pursuant to A.R.S. § 32-2183(F).

16 **NOTICE**

17 This Cease and Desist Order is an appealable agency action pursuant to A.R.S. § 41-1092. Therefore, if  
18 Respondents do not agree with this Cease and Desist Order and/or do not intend to comply with it, Respondents  
19 may request an administrative hearing to contest this action by filing a Notice of Appeal within thirty (30) days of  
20 Respondents' receipt of this notice, as provided in A.R.S. §41-1092.03(B). Failure to timely file a Notice of Appeal  
21 will constitute a waiver of Respondents' right to any hearing on this matter and to any other appeal right to which  
22 Respondents are otherwise entitled. The Notice of Appeal must identify the appealing party, the party's address,  
23 the action being appealed and must also contain a concise statement of the reasons(s) for the appeal.

24 Pursuant to A.R.S. § 41-1092.05, the hearing shall be held within sixty (60) days after the Notice of Appeal  
25 is filed. Although Respondents may request the Office of Administrative Hearings to delay or advance the hearing  
26 date, such request may be approved or denied in its sole discretion. The Department of Real Estate will serve a  
27 Notice of Hearing at least thirty (30) days before the hearing, which will inform Respondents of the date, time and  
28 location of the hearing as well as further articulate the allegations being contested.

1 . . . . .

2 If Respondents file a Notice of Appeal, Respondents may also request an Informal Settlement Conference  
3 at the time of filing the Notice of Appeal, or separately by filing a written request no later than twenty (20) days  
4 before the scheduled hearing. This conference shall be held within fifteen (15) days after receipt of the request.  
5 Although a Department representative with authority to act on behalf of the Department will be present at the  
6 conference, the Department is under no obligation to accept settlement terms Respondents may offer. The  
7 Informal Settlement Conference will not delay the scheduled hearing.

8 The Notice of Appeal and request for an Informal Settlement Conference should be addressed to:

9 Administrative Actions Division  
10 Arizona Department of Real Estate  
11 2910 N. 44<sup>th</sup> Street, Suite 110  
Phoenix, Arizona 85018

12 DATED this \_\_\_\_ day of \_\_\_\_\_, 2005.

15 \_\_\_\_\_  
16 AMY BJELLAND, Director  
17 Administrative Actions Division  
Arizona Department of Real Estate

COPY of the foregoing sent Certified Mail, Return Receipt  
Requested, this \_\_\_\_ day of \_\_\_\_\_, 2005, to:

**Respondent #1**  
Phillip Stonich  
Young Guns Realty  
Dbas The Roadside Realtor  
15320 E. Skinner  
Scottsdale, AZ 85262

**Respondent #2**  
Young Guns Realty, Inc.  
Dbas The Roadside Realtor  
15320 E. Skinner  
Scottsdale, AZ 85262

**Respondent #3**  
Rufus Verse  
P.O. Box 55477  
Phoenix, AZ 85078

**Respondent #4**  
Ryan Wampler  
27903 N. 155<sup>th</sup> Street  
Scottsdale, AZ 85255

**Respondent #5**  
Stacia Wampler  
27903 N. 155<sup>th</sup> Street  
Scottsdale, AZ 85255

**Respondent #6**  
Carmen Humphrey  
Centurion Investments  
Dbas Century 21-Northwest  
Realty  
6630 W. Cactus, Suite B-113  
Glendale, AZ 85304

**Respondent #7**  
Lee McNary  
Centurion Investments  
Dbas Century 21-Northwest Realty  
6630 W. Cactus, Suite B-113  
Glendale, AZ 85304

**Respondent #8**  
Centurion Investments  
Dbas Century 21-Northwest Realty  
6630 W. Cactus, Suite B-113  
Glendale, AZ 85304

**Respondent #9**  
Tom Holder  
29426 N. 60<sup>th</sup> Street  
Cave Creek, AZ 85331

**Respondent #10**  
Kathy Holder  
29426 N. 60<sup>th</sup> Street  
Cave Creek, AZ 85331

**Respondent #11**  
Louis R. Romaniuk  
2640 E. Arabian Drive  
Gilbert, AZ 85296

**Respondent #12**  
Marni A. Romaniuk  
2640 E. Arabian Drive  
Gilbert, AZ 85296

**Respondent #13**  
Kevin G. Norby LLC  
Kevin G. Norby  
6452 City West Parkway  
Eden Prairie, MN 55344

**Respondent #14**  
Bill Schwoerer  
22638 N. 54<sup>th</sup> Place  
Phoenix, AZ 85054

**Respondent #15**  
Jimmy Manning  
7900 E. Princess Drive, #1018  
Scottsdale, AZ 85255

**Respondent #16**  
AJF Custom Homes  
C/o Mathis Becker, Agent  
9849 W. Thunderbird, Ste. A  
Sun City AZ 85351

**Respondent #17**  
Alan Fernandez  
P.O. Box 27705  
Scottsdale, AZ 85255

**Respondent #18**  
Megan Fernandez  
34462 North Scottsdale Road,  
B-4  
Scottsdale, AZ 85262

**Respondent #19**  
Aloha Revocable Trust  
P.O. Box 27705  
Scottsdale, AZ 85255

**Respondent #20**  
D & M Land Development  
36314 N. 31<sup>st</sup> Ave.  
Peoria, AZ 85086

**Respondent #21**  
Darla Pfizenmaier  
20359 N. 59<sup>th</sup> Ave, Suite 100  
Glendale, AZ 85308

**Respondent #22**  
Ron Coleman  
6710 North Scottsdale Road  
#200  
Scottsdale, AZ 85253

**Respondent #23**  
Arizona Land Advisors, LLC  
6710 North Scottsdale Road  
#200  
Scottsdale, AZ 85253

**Respondent #24**  
Michael Danzer  
5124 E. Paradise Lane  
Scottsdale, AZ 85255

**Respondent #25**  
C. Roy Jackson  
856 Bisque  
Barrington, IL 60010

**Respondent #26**  
William Weimann  
5622 36<sup>th</sup> Street  
Fargo, ND 85104

**Respondent #27**  
Williams Consulting  
5622 36<sup>th</sup> Street  
Fargo, ND 85104

**Respondent #28**  
George Loeber Living Trust  
7101 N. Lincoln Ave.  
Lincolnwood, IL 60712

**Respondent #29**  
Terry Stines  
328 W. Rancho Drive  
Phoenix, AZ 85013

**Respondent #30**  
Terry Abbott  
428 E. Thunderbird #336  
Phoenix, AZ 85022

**Respondent #31**  
Joseph Danzer  
4813 Glenwood Hills NE  
Albuquerque, NM, 78111

**Respondent #32**  
Troy Langdon  
2201 W. Keller Court  
Anthem, AZ 85086

1	<b>Respondent #33</b> Banner Development 328 W. Rancho Drive Phoenix, AZ 85013	<b>Respondent #34</b> Rio Ranches LLC C/o Jason Hardison 11605 S. Bruner Rd. Palo Verde, AZ 85343	<b>Respondent #35</b> DSE Land Development 1990 N. Alma School Road #185 Chandler, AZ 85224	<b>Respondent #36</b> HT Realty 614 Streeter Ave. Muncie, IN 47303
4	<b>Respondent #37</b> Michael Zerbib 3443 N. Central Ave. #1800 Phoenix, AZ 85012	<b>Respondent #38</b> Carr Huml Investments 1616 E. Indian School Road #360 Phoenix, 85016	<b>Respondent #39</b> David Javier 8414 W. Troy Street Peoria, AZ 85382	<b>Respondent #40</b> Monica Morrow 6630 W. Cactus, Suite B-113 Glendale, AZ 85304
7	<b>Respondent #41</b> Teal Henkel 8711 E. Pinnacle Peak Road #368 Scottsdale, AZ 85255	<b>Respondent #42</b> Greer Ranch Parcel 5 LLC 10 West Minnezona Ave. #1105 Phoenix, AZ 85013	<b>Respondent #43</b> BH Partners 4614 E. Ocotillo road Paradise Valley, AZ 85253	<b>Respondent #44</b> Keith Pendergraft 23200 N. Pima Road. Suite 200 Scottsdale, AZ 85255
10	<b>Respondent #45</b> Herbert Tragethon 8711 E. Pinnacle Peak Road #368 Scottsdale, AZ 85255	<b>Respondent #46</b> Realty Executives 4427 N. 36 <sup>th</sup> Street Suite 200 Phoenix, AZ 85018	<b>Respondent #47</b> Cowboy Investments 8711 E. Pinnacle Peak Road #368 Scottsdale, AZ 85255	<b>Respondent #48</b> John Foltz 4427 N. 36 <sup>th</sup> Street Suite 200 Phoenix, AZ 85018
13	<b>Respondent #49</b> VJ Properties 4300 N. Miller Road # 153 Scottsdale, AZ 85251	<b>Respondent #50</b> Jeffrey Lanes 4300 N. Miller Road # 153 Scottsdale, AZ 85251	<b>Respondent #51</b> Paul Kelley 5967 Waterfowl Road Schnecksville, PA 18078	<b>Respondent #52</b> Rebecca Kelley 5967 Waterfowl Road Schnecksville, PA 18078
16	<b>Respondent #53</b> Sandy Tinkham 5967 Waterfowl Road Schnecksville, PA 18078	<b>Respondent #54</b> Alan Bias 11509 North 77 <sup>th</sup> Drive Peoria, AZ 85345	<b>Respondent #55</b> Debra Bias 11509 North 77 <sup>th</sup> Drive Peoria, AZ 85345	<b>Respondent #56</b> Mary Langdon 2201 W. Keller Court Anthem, AZ 85086
18	<b>Respondent #57</b> San Salvador Management 9594 E. San Salvador Scottsdale AZ 85258	<b>Respondent #58</b> Garry Jestadt 9594 E. San Salvador Scottsdale AZ 85258	<b>Respondent #59</b> Erick Greis PO Box 1233 Palm Harbor FL 34682	<b>Respondent #60</b> Kevin Christianson 4620 Amber Valley Pkwy. Fargo ND 58104
21	<b>Respondent #61</b> Nathan Ducharme 40802 N. Laurel Valley Way Anthem AZ 85026	<b>Respondent #62</b> Kenneth Western 1175 Meridian Circle Santa Rosa CA 95401	<b>Respondent #63</b> Lori Western 1175 Meridian Circle Santa Rosa CA 95401	<b>Respondent #64</b> Sean Flanagan 36320 N. 29 <sup>th</sup> Ave. Phoenix AZ 85086
23	<b>Respondent #65</b> Michelle Flanagan Sterling Fine Homes & Land 3134 W. Carefree Hwy. Ste. 11 Phoenix AZ 85086	<b>Respondent #66</b> Cindy Buck 5759 W. Onyx Ave. Glendale AZ 85086	<b>Respondent #67</b> Walter Harvey 5759 W. Onyx Ave. Glendale AZ 85086	<b>Respondent #68</b> Sunlore Homes C/o Lori Pruet, Agent 45706 N. 15 <sup>th</sup> Pl. New River AZ 85087
26	<b>Respondent #69</b> Roxanne Johnson Living Trust 32524 N. 144 <sup>th</sup> St. Scottsdale AZ 85262	<b>Respondent #70</b> Rodney Stock 3454 E. Libby St. Phoenix AZ 85032	<b>Respondent #71</b> Robin Stock 3454 E. Libby St. Phoenix AZ 85032	<b>Respondent #72</b> Robert Schwoerer 22638 N. 54 <sup>th</sup> Pl. Phoenix AZ 85054

**Respondent #73**

Jon Schwoerer  
22638 N. 54<sup>th</sup> Pl.  
Phoenix AZ 85054

**Respondent #74**

Gale Barbara Hart  
22638 N. 54<sup>th</sup> Pl.  
Phoenix AZ 85054

**Respondent #75**

JD Smith  
10 West Minnezona Ave. #1105  
Phoenix, AZ 85013

**Respondent #76**

George McDonald  
2831 W. New River Rd.  
New River AZ 85087

**Respondent #77**

Lindsey McDonald  
2831 W. New River Rd.  
New River AZ 85087

**Respondent #78**

Jere Shutt  
4141 N. Charter Oak Rd.  
Phoenix A Z85029

**Respondent #79**

Kimberly Shutt  
4141 N. Charter Oak Rd.  
Phoenix A Z85029

**Respondent #80**

Rick McLaughlin  
32006 N. 68<sup>th</sup> St.  
Cave Creek AZ 85331

**Respondent #81**

Mary McLaughlin  
32006 N. 68<sup>th</sup> St.  
Cave Creek AZ 85331

**Respondent #82**

Eric Spencer  
13031 N. 34<sup>th</sup> Dr.  
Phoenix AZ 85029

**Respondent #83**

Mark Vestrand  
28823 N. 57<sup>th</sup> St.  
Cave Creek AZ 85331

**Respondent #84**

Christine Tilton  
Mladick Realty LLC  
8900 E. Pinnacle Peak Rd. #D4  
Scottsdale AZ 85255

**Respondent#85**

Michael Pollock  
36314 N. 31<sup>st</sup> Ave.  
Peoria, AZ 85086

**Respondent#86**

Kat Javier  
8414 W. Troy Street  
Peoria, AZ 85382

**Respondents**

COPY of the foregoing sent by courier this  
\_\_\_\_ Day of \_\_\_\_\_, 2005, to:

Mark Preny, Assistant Attorney General  
Arizona Attorney General's Office  
1275 West Washington St.  
Phoenix, AZ 85007

COPY of the foregoing delivered this  
\_\_\_\_ Day of \_\_\_\_\_, 2005, to:

Arizona Department of Real Estate  
Amy Bjelland, Director, Administrative Actions Division  
Tom Adams, Director, Investigation & Auditing Division  
Roy Tanney, Director, Subdivisions Division  
Admin Actions Div for Bulletin  
Eleni Katerelos, Compliance Officer  
2910 North 44 Street, Ste 100  
Phoenix, AZ 85018